

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/31/09 has been entered.

### ***Claim Objections***

2. Claim 7 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Examiner notes the claim language "may be" is not a positive recitation of a specific feature. Therefore, such language does not further limit independent claim 1. Clarification is required.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the steps of claims 5-7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 7-9, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0126597 to Cohen et

al. as applied to claims 1-4 and 32 above, and further in view of U.S. Patent No. 7,063,768 to Tsujimoto et al.

6. With respect to claim 1, Cohen et al. discloses a laminate manufacturing process, including providing at least one continuous process foil (20) depositing a continuous, substantially non-polymeric semi-manufactured product band (16) to the process foil (20) sealing the semi-manufactured product band (16) with respect to the process foils (20) by gluing (18) said semi-manufactured product band to said process foils (20); depositing a hardenable synthetics (14) to the semi-manufactured product band (16); while providing a bonding between the synthetics and the semi-manufactured product band (see Figure 1A). However, Cohen et al. does not specifically disclose hardening the synthetics.

7. Tsujimoto et al. discloses a method of making laminates, including it is known in the art as equivalent to provide polymer layers as either a separate film, or by coating to form the layer (column 22, lines 44-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the equivalent unhardened synthetic coating layer followed by a hardening step to form the laminate as taught by Tsujimoto et al. for the synthetics in hardened film form disclosed by Cohen et al.

8. As to claim 2, Cohen et al. discloses the step of depositing a second continuous process foil (12) on the hardenable synthetics (see Figure 1A).

9. As to claim 3, Cohen et al. discloses the step of introducing reinforcement material into the hardenable synthetics (15).

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10. As to claim 4, Cohen et al. does not specifically disclose the step of calendaring by means of a calendar. Examiner notes the phrase “especially preferably immediately prior to the hardening step” does not further limit to the claim.

11. Tsujimoto et al. discloses a method of making laminates, including calendaring (4; See Figure 2). It would have been obvious to one of ordinary skill in the art to calendar the laminate of Cohen et al. as taught by Tsujimoto et al. The motivation would have been to provide a smooth surface on the laminate.

12. As to claim 7, Examiner notes the process foils of Cohen may be engaged with one another, especially substantially in a sealing manner.

13. As to claim 8, Cohen et al. discloses the semi-manufactured product band, is practically not permeable with respect to the hardenable synthetics (e.g. aluminum foil; See paragraph 0038).

14. As to claim 9, Cohen et al. discloses the semi-manufactured product band is a metal band (e.g. aluminum foil; See paragraph 0038). Examiner notes the phrase “especially a coated metal band and/or a surface treated metal band” does not further limit the claim.

15. As to claim 31, Cohen et al. discloses dispensing gluing tape (18) as an intermediate later between the semi-manufactured product band and the process foil (See Figure 1A).

16. As to claim 32, Cohen et al. does not specifically disclose depositing fluid glue between the semi-manufactured product band and the process foil.

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17. Tsujimoto et al. discloses a method of making laminates, including it is known in the art as equivalent to provide polymer layers as either a separate film, or by coating to form the layer (column 22, lines 44-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the equivalent fluid polymer layer as taught by Tsujimoto et al. for the polymer in hardened film form disclosed by Cohen et al.

18. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0126597 to Cohen et al. in view of U.S. Patent No. 7,063,768 to Tsujimoto et al. as applied to claims 1-4, 8-9, and 31-32 above, and further in view of U.S. Patent Application Publication No. 2003/0168158 to Kato.

19. With respect to claim 5, Cohen does not specifically disclose the space between the process foils and/or one process foil and the semi- manufactured product band is evacuated.

20. Kato discloses a film lamination method, including vacuum lamination (see paragraph 0065). It would have been obvious to one of ordinary skill in the art at the time the invention was made to perform the sealing step taught by Cohen with a vacuum laminator as discussed by Kato. The motivation would have been to prevent air bubbles and wrinkles from forming in the laminate.

21. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0126597 to Cohen et al. in view of U.S. Patent

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No. 7,063,768 to Tsujimoto et al. as applied to claims 1-4, 7-9, and 31-32 above, and further in view of U.S. Patent No. 6,523,592 to Kuki.

22. With respect to claim 6, Cohen does not specifically disclose at least one process foil protrudes laterally beyond the semi-manufactured product band. Examiner notes the phrase, "in order to allow for an engagement by transport means" does not further the claim.

23. Kuki discloses a lamination method, including at least one process foil protrudes laterally beyond the edge of the laminate (column 5, lines 52-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the protruding edge portion taught by Kuki with the method of Cohen et al. The motivation would have been to form a laminate with appropriate dimensions.

### ***Response to Arguments***

24. Applicant's arguments with respect to claims 1-9 and 31-32 have been considered but are moot in view of the new ground(s) of rejection. Applicant's remaining pertinent arguments are addressed below:

25. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., use in vehicle constructions for design of truck superstructures) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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26. With respect to applicant's argument that Cohen does not disclose a continuous process foil, See Figure 1 A. Figure 1A of Cohen clearly discloses a process foil (20) which is continuous over band layer (16). Applicant has not addressed the disclosure of Figure 1 of illustrating a continuous process foil. As to applicant's argument that layer 16 is not deposited on layer 20 in Cohen, examiner disagrees. Examiner notes the term "on" has a broader meaning than "direct intimate contact". Therefore, the band layer (16) is placed on the process foil (20), because the layer (16) is placed over (20). USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Therefore, the disclosure of Cohen reads on the currently claimed invention.

27. In response to applicant's assertion that the layer (16) of Cohen does not read on the currently claimed "substantially non-polymeric semi- manufactured product band", this argument is not persuasive. Firstly, "substantially" is a relative term. Secondly, Cohen clearly discloses layer 16 is a metal-containing foil (e.g. aluminum foil; See paragraph 0038), Which reads on the currently claimed "non-polymeric semi-manufactured product band". Consequently, this argument is not persuasive. As to applicant's argument that Cohen does not disclose sealing, examiner disagrees. See Figure 1 A which clearly illustrates sealing the semi-manufactured product band (16) with respect to the process foils (20) by gluing (18) said semi-manufactured product band to said process foils (20) as noted in the final office action dated 06/29/09.

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Applicant has not addressed this disclosure, which reads on the currently claimed "sealing by gluing" language.

28. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., not laminating layers 14 and 16) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Consequently, Cohen is not found to teach away from the currently claimed invention.

29. As to applicant's argument that there is no motivation to combine the equivalent hardening of a polymer layer taught by Tsujimoto for the hardened film of Cohen, examiner notes substitution of equivalents requires no express motivation. In *re Fount*, 213 USPQ 532 (CCPA 1982); In *re Siebentritt* 152, USPQ (CCPA 1967). Therefore, this argument is not persuasive. Consequently, applicant's arguments are not persuasive and the rejections of claims 1-9 and 31-32 are maintained.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIMBERLY K. MCCLELLAND whose telephone number is (571)272-2372. The examiner can normally be reached on 8:00 a.m.-5 p.m. Mon-Thr.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip C. Tucker can be reached on (571)272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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